

## **REMARKS**

Reconsideration of the Office action mailed August 4, 2004 in connection with the above-identified patent application is requested in view of the foregoing amendments and the following remarks.

### **Double Patenting**

The Examiner provisionally rejected claim 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 11-13 of co-pending Application No. 10/215,929. That rejection is traversed. Nevertheless, the co-pending application has gone abandoned so the rejection is now moot and should be withdrawn.

### **Claim Rejections – 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-3 and 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,048,886 to Zettler. That rejection is traversed for the reasons given in prior communications. Nevertheless, applicant has amended the claims to more precisely define what applicant desires to protect in this application.

Claims 1-3 and 11 have been amended to require “a control system configured to determine the operability of the reaction system *without having to operate the reaction system* and to disable the motor if the reaction system is inoperable.” The Zettler reference fails to disclose such a control system. To the contrary, Zettler discloses a brake monitor that requires operation of the brake. Specifically, Zettler’s brake monitor measures the time it takes the brake to decelerate the machine, and thus requires operation of the brake. (Column 1, lines 35-51.)

This is a significant distinction. Control systems as disclosed by applicant are able to test for operability as the machine is working because the reaction system need not be operated. Control systems as disclosed by Zettler cannot. Additionally, control systems as disclosed by applicant are able to test the operability of reaction systems that include single use components such as a fusible member or an explosive charge; systems as disclosed by Zettler cannot.

Claims 1-3 and 11, as well as other claims, have been amended so that they no longer require a detection system to detect contact between a person and the cutting tool. Instead, the claims now require "a detection system configured to detect a dangerous condition between a person and the cutting tool." The dangerous condition may be contact between a person and the cutting tool, or it may be dangerous proximity between a person and the cutting tool, or it may be some other dangerous condition.

Claims 1-3 and 11, as well as other claims, have also been amended so that they no longer require a brake mechanism to stop the cutting tool. Instead, they now require "a reaction system controllable to disable the cutting tool if the dangerous condition is detected." Disabling the cutting tool includes stopping the cutting tool, retracting the cutting tool, covering the cutting tool, or some other action that disables the ability of the cutting tool to cut.

Claim 2 has also been amended to require "a capacitor adapted to store electrical charge and to trigger the disabling of the cutting tool upon discharge of at least part of the electrical charge, and where the control system is configured to determine the capacitance of the capacitor." Zettler fails to disclose such a capacitor or such a control system.

Claim 3 has also been amended to require "a capacitor adapted to store electrical charge and to trigger the disabling of the cutting tool upon discharge of at least part of the electrical charge, and where the control system is configured to determine the electrical charge stored on the capacitor." Zettler fails to disclose such a capacitor or such a control system.

In light of these amendments, Zettler clearly fails to disclose all the limitations of claims 1-3 and 11, and therefore, Zettler cannot anticipate those claims. Applicant requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

**Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claims 1-3, 11, 20, 21, 23, 28 and 30 under 35 U.S.C. §103 in light Yoneda (U.S. Patent 4,117,752) combined with Zettler to the extent that the term "contact" meant "the physical body of the person touching the saw blade." (Office Action, 3.) The Examiner said Yoneda discloses a contact detection system and Zettler discloses the rest of the claim limitations. This rejection is traversed because of differences between the claims and because there is no suggestion, teaching or motivation to combine the references. Nevertheless, this rejection is now moot in light of the present amendment. The claims have been amended to delete references to "contact." Moreover, neither Yoneda nor Zettler discloses a control system, self-test system or control means able to function "without having to operate the reaction system," as required by the amended claims. Therefore, the amended claims cannot be obvious in light of the cited references, and applicant requests that the obviousness rejection be withdrawn. MPEP § 2143 ("the prior art reference (or references when combined) must teach or suggest all the claim limitations").



**New Claim**

Applicant adds new claim 31 with entry of this amendment.

**Prior Amendment**

Applicant points out that it cancelled claims 10 and 24 in a Second Amendment dated August 2, 2004. That Second Amendment was not noted in the current Office Action.

Respectfully submitted,

SD3, LLC

David A. Fanning, Esq.

Registration No. 33,233

Customer No. 27630

22409 S.W. Newland Road

Wilsonville, Oregon 97070

Telephone: (503) 638-6201

Facsimile: (503) 638-8601

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Date: February 4, 2005

David A. Fanning